



Paper No. 12

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OFFICE OF PETITIONS

In re Application of :
Cuckler, Schatzker, Gross, Johnston, Kelman, and McTighe :
Application No.: 09/920,432 :
Filed: August 1, 2001 :
Attorney Docket No: 10557/247605 :
For: ACETBULAR RING PROSTHESIS WITH :
REINFORCEMENT MEMBER :

DECISION ACCORDING
STATUS UNDER
RULE 47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed August 22, 2002.

The renewed petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The instant petition was filed in response in to the "Notice to File Missing Parts of Nonprovisional Application" (the "Notice"), mailed September 17, 2001, which indicated that proper oath or declarations for the named inventors had not been filed, that a surcharge of \$130.00 was due consequently, and a certificate under 37 CFR 3.73(b) was necessary. The Notice set forth an extendable period for reply of two months from its mailing date. On March 28, 2002 (certificate of mailing dated March 18, 2002), in response to the Notice, petitioner filed a request for an extension of time within the fourth month, the instant petition, declarations for all named inventors except inventor Cuckler, and other documents evidencing inventor Cuckler's purported refusal to join the above-cited application.

Petitioner established that, although inventor Cuckler was mailed the complete application papers (specification, abstract, claims, drawings, and assignment), he constructively refused to execute the declaration and the join the above-cited application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to Technology Center 3700 for further processing.

Telephone inquiries should be directed to the undersigned at (703) 305-0010.



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